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8 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 922-A

11 **CARL EDWARD CHAPMAN**  
12 **1114 South Sycamore Avenue**  
**Los Angeles, CA 90019**  
13 **Civil Engineer License No. C 23777**

**A C C U S A T I O N**

14 Respondent.  
15

16 Complainant alleges:

17 PARTIES

18 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity  
19 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,  
20 Department of Consumer Affairs.

21 2. On or about June 12, 1974, the Board for Professional Engineers and Land Surveyors  
22 issued Civil Engineer License Number C 23777 to Carl Edward Chapman (Respondent). The  
23 Civil Engineer License expired on December 31, 2007, and has not been renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board for Professional Engineers and Land  
26 Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws.  
27 All section references are to the Business and Professions Code unless otherwise indicated.  
28

1        4.     Section 6731 of the Code states, in pertinent part, that

2        . . . .

3        “Civil engineers registered prior to January 1, 1982, shall be authorized to practice all land  
4        surveying as defined in Chapter 15 (commencing with Section 8700) of Division 3.”

5        5.     Business and Professions Code section 8780 provides, in pertinent part, that the board  
6        may receive and investigate complaints against licensed land surveyors and registered civil  
7        engineers, and make findings thereon.

8        By a majority vote, the board may reprove, suspend for a period not to exceed two years, or  
9        revoke the license or certificate of any licensed land surveyor or registered civil engineer,  
10       respectively, licensed under this chapter or registered under the provisions of Chapter 7  
11       (commencing with Section 6700), whom it finds to be guilty of:

12       . . . .

13       (d) Any violation of any provision of this chapter or of any other law relating to or  
14       involving the practice of land surveying.

15       . . . .

16       6.     Government Code section 66495 states:

17       “At the time of making the survey for the final map or parcel map unless the survey is not  
18       required pursuant to Section 66448, the engineer or surveyor shall set sufficient durable  
19       monuments to conform with the standards described in Section 8771 of the Business and  
20       Professions Code so that another engineer or surveyor may readily retrace the survey. He shall  
21       also set such additional monuments as may be required by local ordinance. The local agency  
22       shall require that at least one exterior boundary line of the land being subdivided be adequately  
23       monumented or referenced before the map is recorded.”

24       7.     Government Code section 66496 states:

25       “Interior monuments need not be set at the time the map is recorded, if the engineer or  
26       surveyor certifies on the map that the monuments will be set on or before a specified later date,  
27       and if the subdivider furnishes to the legislative body security guaranteeing the payment of the  
28       cost of setting such monuments.”

1       8.     Government Code section 66497 states:

2       “Within five days after the final setting of all monuments has been completed, the engineer  
3     or surveyor shall give written notice to the subdivider, and to the city engineer or the county  
4     surveyor or any other public official or employee authorized to receive these notices, that the final  
5     monuments have been set.

6       Upon payment to the engineer or surveyor for setting the final monuments, the subdivider  
7     shall present to the legislative body evidence of the payment and receipt thereof by the engineer  
8     or surveyor. In the case of a cash deposit, the legislative body shall pay the engineer or surveyor  
9     for the setting of the final monuments from the cash deposit, if so requested by the depositor.

10      If the subdivider does not present evidence to the legislative body that the engineer or  
11     surveyor has been paid for the setting of the final monuments, and if the engineer or surveyor  
12     notifies the legislative body that payment has not been received from the subdivider for the  
13     setting of the final monuments, the legislative body shall, within three months from the date of  
14     the notification, pay to the engineer or surveyor from any deposit the amount due.”

15      9.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
16     administrative law judge to direct a licensee found to have committed a violation or violations of  
17     the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18     enforcement of the case.

19      10.    Section 118 of the Code states:

20      “(a) The withdrawal of an application for a license after it has been filed with a board in the  
21     department shall not, unless the board has consented in writing to such withdrawal, deprive the  
22     board of its authority to institute or continue a proceeding against the applicant for the denial of  
23     the license upon any ground provided by law or to enter an order denying the license upon any  
24     such ground.

25      “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
26     board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
27     order of a court of law, or its surrender without the written consent of the board, shall not, during  
28     any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its

1 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
2 provided by law or to enter an order suspending or revoking the license or otherwise taking  
3 disciplinary action against the licensee on any such ground.

4 "(c) As used in this section, 'board' includes an individual who is authorized by any  
5 provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,'  
6 'registration,' and 'permit.'"

#### 7 CAUSE FOR DISCIPLINE

##### 8 (Failure to Set Final Monuments)

9 11. Respondent is subject to disciplinary action under Business and Professions Code  
10 section 8780, subdivision (d), for failure to comply with Government Code section 66495, in that  
11 he failed to set required monuments for the following Final Maps:

12 a. Final Map No. 51177, which was recorded in book 1287 69/70 in the Office of the  
13 County Recorder, Los Angeles County on February 26, 2004.

14 b. Final Map No. 48906, which was recorded in book 1288 44/52 in the Office of the  
15 County Recorder, Los Angeles County on March 29, 2004.

#### 16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a  
19 decision:

20 1. Revoking or suspending Civil Engineer License Number C 23777, issued to Carl  
21 Edward Chapman;

22 2. Ordering Carl Edward Chapman to pay the Board for Professional Engineers and  
23 Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to  
24 Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/19/10

Original Signed

DAVID E. BROWN  
Executive Officer  
Board for Professional Engineers and Land Surveyors  
Department of Consumer Affairs  
State of California  
*Complainant*

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